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SUMMARY RECORD OF THE 1264th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 13 March 1998, at 3 p.m.

Chairman: Mr. YUTZIS

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In the absence of Mr. Aboul-Nasr, Mr. Yutzis, Vice-Chairman, took the Chair.

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Eleventh to fourteenth periodic reports of The Libyan Arab Jamahiriya (CERD/C/299/Add.13; HRI/CORE/1/Add.77)

1. At the invitation of the Chairman, Mr. Ouateen and Mrs. Shelli (Libyan Arab Jamahiriya) took places at the Committee table.

2. Mr. OUATEEN (Libyan Arab Jamahiriya) said that the Shariah, the code of law which governed Libyan society and which had formed the basis of its ethics, laws and customs for fourteen centuries, was vehemently opposed to all forms of racial discrimination. The Holy Koran and the Sunna, Muslim normative practice based on the Prophet's words and acts, were the primary source of basic human rights, which were viewed as sacred duties and as such protected by legislative and practical guarantees. They ranked higher than mere natural rights or the injunctions and recommendations that States endorsed when they ratified international treaties. The Libyan Arab Jamahiriya had ratified all such treaties, including the Convention, because they were entirely consistent with the principles of Islam. By way of illustration, he would quote some of the most important of those principles.

3. The principle of the dignity and worth of human beings was enshrined in the verse of the Koran concerning the exaltation of man by God. The prohibition of discrimination between individuals on grounds of sex, race, origin, wealth or other characteristics was contained in the verse which stated that no privilege was given to white over black or to an Arab over a non-Arab except for good conduct. Equality between men and women was proclaimed in the verse describing women as the sisters of men. Islam advocated family unity and held that the noblest in the eyes of God were those who best served their fellow human beings.

4. Islam also advocated cooperation among nations and tribes on the basis of equality and without any distinction. God loved the equitable and adjured believers to honour those who did not make war. The Koran prohibited the shedding of human blood and any act that damaged a person's property. The principle of freedom of belief was enshrined in the verse which stated that there was no compulsion in religion. The home was sacrosanct and could not be entered without the permission of its occupants.

5. The zakat or alms-tax required Muslims to set aside a portion of their possessions to assist the poor, thereby promoting solidarity and interdependence. It was a religious duty for all Muslims to fight against ignorance, which in the eyes of Islam was a symptom of lack of piety. The wise were those who feared God most. Islam had introduced quarantine in the case of contagious diseases, one of the earliest instances of action to promote public health.

6. The Shariah thus established a whole corpus of inalienable economic, social, cultural, civil and political rights. It left no scope for discrimination or injustice, for example on grounds of hatred or hostility. Certain major Powers would do well to take note of those precepts instead of applying double standards in their relations with other States.

7. As the sisters of men, women enjoyed equal rights. In family matters, however, the husband and father was deemed to be the head of the household because of his stronger constitution which was better suited to the heavy social responsibilities involved. The fact that women had been relieved of that burden by Islam in no way undermined their status or dignity or their right to equality of treatment.

8. For 14 centuries, therefore, the teachings of Islam had foreshadowed the moral precepts proclaimed by international organizations in the twentieth century. Moreover, Islamic norms were binding in legal terms and, unlike international human rights instruments which were mere recommendations, they were accompanied by guarantees of implementation. As the national legislation and implementing regulations of the Libyan Arab Jamahiriya were based on the Shariah, they embodied fundamental human rights. The main sources of legislation, particularly in the area of human rights, were the Constitution, the Great Green Document on Human Rights in the Age of the Masses and the Promotion of Freedom Act. Furthermore, international human rights treaties, including the Convention, were applicable on the same footing as domestic legislation.

9. Mr. GARVALOV (Country Rapporteur), after listing the sources from which he had drawn, said that the fourteenth periodic report of the Libyan Arab Jamahiriya was very different from the preceding one. It had been prepared in accordance with the reporting guidelines, it contained information on how the State Party implemented the Convention and it sought to answer some of the questions raised by the Committee during its consideration of the previous report in 1989. As the report was dated 4 March 1997 and should therefore have covered the intervening nine-year period, he wished to know why the State Party announced in paragraph 1 that it was covering developments only up to 5 January 1994.

10. Paragraph 1 stated categorically that the phenomenon of racial discrimination did not exist in Libyan society. It was the Committee's practice in such cases to point out that the Convention required States parties to take legislative, judicial and administrative measures to combat racial discrimination also as a preventive policy and practice. He therefore welcomed the statement that such measures had been taken to forestall any incipient manifestations of discrimination but he would need more specific information and data in order to be convinced that there was no racial discrimination in Libyan society. With regard to the last part of the paragraph concerning the joint endeavours of the Jamahiriya and the international community, he pointed out that States Parties to the Convention had assumed, freely and of their own volition, the obligation to implement the Convention at national level, and to report thereon to the Committee.

11. With reference to paragraph 3, which stated that Libyans were of common racial origin, he noted the existence in the country of non-Arab minorities such as Berbers, blacks and naturalized or legal residents such as Chadians, Sudanese, etc. Were they not of different ethnic or even racial origin?

12. Paragraph 5 raised a number of questions. The term "non-Libyans" would need to be explained in more detail, simply because of the estimated increase in their number. Were non-Libyans equal to the Libyans in every respect? What was the law on nationality? Was it based on jus solis or jus sanguinis, on both or on something else? If citizenship was a sacred right which could not be forfeited or withdrawn, as stated in paragraph 48, could it be granted to non-citizens who were legal residents in the Jamahiriya if they so wished? Paragraph 49 cited the legislation regulating nationality but gave no explanation. Also, if women, as the paragraph stated, enjoyed the same rights as men in respect of the right to acquire, change or retain their nationality or replace it with another nationality, then why did a Libyan woman forfeit her nationality if she wished to adopt her husband's nationality, whereas a Libyan man in a similar situation did not?

13. He regretted that Table 1 only contained data up to 1984 and that neither Table 1 nor Table 2 provided data on the demographic composition of the Libyan population. Could such information be made available to the Committee?

14. With reference to paragraph 8, he asked how the basic people's congresses exercised their legislative authority in compliance with the Convention? Referring to subparagraph 8 (a), he asked what specific legislation had been adopted to combat racial discrimination.

15. Concerning paragraph 9, the Committee would like to know how the people's committees decided what measures to take in order to combat racial discrimination as required by the Convention, and when they did so.

16. He drew attention to paragraph 14, noting that that paragraph dealt with the citizens of the Libyan Arab Jamahiriya; what about non-citizens, particularly those that were not of the same race as Libyan citizens? Were they protected against discriminatory treatment? What was the position of the Chadians, Sudanese, Mauritanians and Nigerians, who were obviously different ethnically from the majority of Libyans, as well as Libyan citizens of Berber origin? Were those not communities based on ethnic origin, race or colour?

17. Paragraph 14 seemed to be at variance with principle 16 of The Great Green Document on Human Rights in the Age of the Masses, quoted in paragraph 23, which referred to minorities entitled to protection. That principle lent itself to different interpretations, one being that it referred specifically to Libyan society, which raised the question as to which minorities were meant. What was their heritage and what were their legitimate aspirations that must not be suppressed? Another interpretation was that that was a general statement referring not only to Libyan society but to all societies the world over. Principle 17, on the other hand, could not be interpreted otherwise but to be specifically meant for Libyan society.

Quoting that principle (paragraph 23), he asked what the term "tribal" meant within the context of Libyan society? What was meant by the phrase "natural national entity for their nation", and why was that process continuing?

18. According to a number of impartial reference books, the majority of the Libyan society was homogeneous, but there were nevertheless non-Arab minorities, such as Berbers and Blacks. The Europa World Year Book Regional: the Middle East and North Africa 1997 referred to the Al-Megaha and the Warfallah tribes in Libya, in the Bani Walid region. It also spoke of tribal rivalries, Islamist opposition strongly rooted in Cyrenaica, large numbers of immigrants from Egypt and the Sudan, and arrests and disturbances on tribal and other grounds in and around Bengazi, Derna and Al-Bayda, and the expulsion of hundreds of thousands of Sudanese and other African workers in 1995 and 1996. Other sources also referred to the detention and expulsion of thousands of migrant workers from Nigeria, Mali and Ghana in 1995 and thereafter. In its concluding observations on Libya's initial report, the Committee on Economic, Social and Cultural Rights had expressed concern at reports that during the second half of 1995 thousands of foreign workers had been arbitrarily expelled and had not been given adequate compensation, that there had been no possibility for a legal remedy against those expulsions, and had voiced alarm that the justification given by the delegation for that action had been that foreign workers had been the cause of many of the State Party's social problems. He would like to know whether the Government of the Libyan Arab Jamahiriya had complied with the recommendation in those concluding observations that the status and working conditions of foreign workers should be improved without delay and that they should be treated with dignity and benefit fully from the rights enumerated in the Covenant.

19. The United States Department of State Report on Human Rights Country Practices for 1997 maintained that there were frequent allegations of discrimination based on tribal status, particularly against Berbers and Tuaregs. The 1997 Amnesty International Report on Libya alleged that hundreds of political prisoners had been arrested in recent years, including prisoners of conscience, who continued to be held without charge or trial, and that there were continued reports of ill-treatment in prisons and detention centres. Gasmalia Osman Hamad Sharah, a Sudanese national, was reported to have died in detention in the al-Kufra Camp, apparently as a result of lack of medical care. He had been one of hundreds of Sudanese and other African workers in Libya who had been arrested in their homes and workplaces in June and July and taken to the al-Ataba prison in Tripoli and the al-Kufra Camp near the Sudanese border. He requested comments on those allegations.

20. In 1989, when the Committee had discussed Libya's tenth report, information had been requested on foreigners of different nationalities, minorities, ethnic groups, etc., but the fourteenth periodic report contained no such information. He hoped that it would now be forthcoming.

21. The constitutional provision that all citizens were equal before the law needed to be supplemented by implementing legislation. Was there any specific law prohibiting racial discrimination in accordance with the Convention? The articles of the Penal Code referred to in paragraph 19 dealt with slavery and punishment for such acts; did the Code contain any provisions which proscribed and punished acts of racial discrimination and racism?

22. Concerning paragraph 20, he asked what was meant by the statement that every Libyan citizen had the right to "exercise authority and self-determination" in the people's congresses and people's committees. Recalling that in the Charter of the United Nations and in both international covenants, the right to self-determination was defined as belonging to peoples, he asked how that right could be exercised in such places as people's congresses and committees.

23. It was commendable that the Jamahiriya was a party to the principal international human rights instruments, and that their provisions took precedence over domestic legislation. Since it was clearly stated in paragraph 21 that the provisions of the Convention had become an integral part of domestic legislation and binding on all, he inquired whether anyone in the Libyan Arab Jamahiriya had ever invoked the Convention before Libyan courts in a racial discrimination case, and if so, what the judgement had been. Had the Convention been translated into Arabic and widely circulated in Libyan society? Were Libyans aware of their rights and obligations under the Convention, and in particular of the ways of seeking redress through Libyan courts?

24. According to paragraph 24, the legislation in force prior to the promulgation of the Great Green Document was to be amended in a manner consistent with the principles of that Document, and no legislation contrary to those principles could be promulgated. Had any legislation been enacted since 1991 specifically prohibiting racial discrimination?

25. The information provided on article 2 of the Convention did not specifically explain how the State Party implemented that provision. Article 289 of the Penal Code, referred to in paragraph 26, was not relevant to the Convention. Did any articles in the Penal Code impose penalties for printing or publishing books disrespectful of religions other than Islam?

26. What was the difference between the Constitutional Declaration of 1969 (paragraph 6), the Declaration of the Establishment of the People's Authority of 1977 (paragraph 7), the Great Green Document on Human Rights in the Age of the Masses of 1988 (paragraph 17) and the Promotion of Freedom Act of 1991 (paragraph 18)? Which of them was the constitutional, which the legislative and which the political document? Concerning the Holy Koran, which according to paragraph 22 "is the social code of the Libyan Arab Jamahiriya", it was his impression that it served another function.

27. Regarding article 3 of the Convention, the State Party should have provided more information on its position and actions against apartheid.

28. More information was likewise needed under article 4 of the Convention. There appeared to be no specific legislation making the acts listed in article 4 (a) and (b) a punishable offence. If the Convention was part of domestic legislation and could be invoked before the courts, how did it interact with the Islamic Shariah? Which took precedence in case of differences in substance and approach? With respect to the last sentence of paragraph 32 asserting that there were no communities based on religion, race or ethnic origin, he asked whether the actual presence in Libya of Christians, black Africans and Berbers could be confirmed.

29. Although ample detail was given of policies in respect of the rights set out in article 5 of the Convention, little information was provided on how Libyan legislation and administrative practice effectively guaranteed those rights. The information provided on the Libyan Penal Code (paragraph 42) was not strictly relevant to the requirement of prohibiting racial discrimination in all its forms and manifestations.

30. Referring to paragraph 39, he asked whether any appeals had been entered by Libyan citizens claiming that court decisions or administrative measures had been prejudicial to their freedoms and basic human rights and whether the People's Court had considered them.

31. Paragraphs 44 and 50 took due account of the gender perspective, because they made it clear that they referred to both men and women. Why was the same terminology not used in paragraphs 37, 41, 43, 47, 60, 66 and 67? Concerning paragraph 49, there seemed to be a discrepancy between the right of a male and that of a female Libyan citizen, especially when the latter was married. Also regarding the question of nationality, clarification was needed on the status of permanent residents in the Libyan Arab Jamahiriya, such as black African and migrant workers.

32. He asked whether the rights to own private property and to inherit (paragraphs 53 and 55) applied only to Libyan citizens. Was there any discrimination in that regard against permanent residents and migrant workers from other Arab and African countries? Was there equality between men and women? What about the rights of the children of Libyan citizens as against those of non-citizens residing permanently in Libya?

33. According to article 8 of the Promotion of Freedom Act, every citizen had the right to express and publicly proclaim his ideas in the people's congresses (paragraph 60). Did that mean that citizens could not do so outside the people's congresses? Did the Tuaregs in the south of the country express their dissatisfaction and claim discrimination based on tribal status in a manner contrary to that provision? Also, did that right apply only to male citizens?

34. In its concluding observations (E/C.12/1/Add.15) the Committee on Economic, Social and Cultural Rights had expressed its concern that, notwithstanding Libyan legislation guaranteeing full equality between men and women and banning discrimination against women, the State Party had put forward certain arguments against the enjoyment by women of certain family and civil rights on the basis of Shariah law. An explanation would be appreciated.

35. The report of the United States Department of State for 1997 stated that employment gains by women tended to be inhibited by lingering traditional restrictions that discouraged women from playing an active role in the workplace and that a significant proportion of rural women did not attend school. Clarification would be welcome.

36. With reference to paragraph 79 of the report, proper information should be provided about implementation of article 6 of the Convention, whose requirements were very different from those of article 5 (a).

37. Paragraphs 80 to 84 and paragraphs 74 and 75 provided interesting information on implementation of article 7 of the Convention.

38. It was his understanding that principle 15 of the Great Green Document on Human Rights in the Age of the Masses (paragraph 75) on the right to education and knowledge and to choose such education and knowledge without pressure or compulsion encompassed both men and women in the Libyan Arab Jamahiriya.

39. The measures mentioned in paragraph 80 regarding education and information to combat prejudices which led to racial discrimination were commendable. He asked whether school curricula included special classes on racism and racial discrimination and how to combat them, and familiarization with the provisions of the Convention. Was the State Party aware of the Committee's General Recommendations V and XXII and how did it implement the latter in respect of teaching, culture and information?

40. Paragraph 84 of the report stated that the competent authorities had reported to the committee responsible for preparing the periodic report that there had been no cases of racial discrimination before the courts and no judgements on such matters. The absence of such cases might be partly explained by the fact that Libyan society was at least 97 per cent homogenous. That being said, he asked whether Libyans were aware of the specific provisions of articles 2 to 7 of the Convention and whether they had free access to the judiciary and an unimpeded right to seek redress for violation of their rights covered by the Convention.

41. He was gratified that the State Party had resumed its dialogue with the Committee after a lull of some nine years and hoped that dialogue would now be maintained on a regular basis.

42. Mr. VALENCIA RODRIGUEZ said that although paragraph 1 of the report stated that racial discrimination did not exist in Libyan society, there might still be incipient manifestations of the phenomenon, if not racism as such. Details were needed on any relevant circumstances. Against whom might such discrimination be targeted? Information was also needed on implementation of the rights of the non-Libyan population mentioned in paragraph 5 of the report.

43. How were the basic people's congresses, the people's committees and the General People's Congress elected? Did all Libyan citizens have the right to take part in elections and the establishment and operation of those bodies?

44. The information in paragraph 21 concerning precedence of the Convention over domestic legislation was welcome. Examples were needed of cases where the Convention or other international human rights conventions had taken precedence.

45. He asked for more information on the International Organization for the Elimination of All Forms of Racial Discrimination which the Libyan Arab Jamahiriya had hosted (paragraph 27). What were its activities, particularly in relation to implementation of the Convention?

46. The provisions of the Great Green Document on Human Rights in the Age of the Masses did not seem to comply fully with article 4 of the Convention. The Government should therefore review its contents to ensure that they were fully in line with that article.

47. With regard to paragraph 33 of the report, he asked what penalties had been applied and what measures were being taken to combat acts of racial discrimination. The Committee would further welcome information concerning guarantees of judicial independence.

48. The Government should review all legislative provisions relating to implementation of articles 4 and 6 to ensure that they complied fully with those articles. It should also be vigilant concerning possible cases and complaints and grievances concerning racial discrimination and inform the Committee thereof. It should disseminate the Convention as widely as possible, highlighting its scope and the possible recourse available to individuals in the event of racial discrimination.

49. Mrs. SADIQ ALI asked for clarification with regard to the situation of Egyptian, Sudanese, Berber, Haratin, Tuareg and Tebu communities, particularly their social and economic status. She asked whether the Berbers, who accounted for 4 per cent of the population and lived in small isolated villages in the west of the country, had retained their own language and customs and enjoyed cultural autonomy. Were the Arabic-speaking Haratin, who were of West African origin and lived in the southern oasis, allowed freedom of movement across the border to meet with their own communities? What was the situation with regard to the Tuareg, the Berbers and in particular the Tebu pastoralists in the south? Were their languages used in education?

50. She asked how principle 16 of the Great Green Document on Human Rights in the Age of the Masses applied to minority groups in Libya.

51. Could the relationship between the Great Green Document and the Constitution be clarified, and which took precedence?

52. She applauded the fact that women had the same rights as men with regard to acquiring, changing or retaining nationality, but further information on the empowerment of women in Libya was needed. With reference to paragraph 19, did slavery still exist in Libya?

53. President Mandela of South Africa and the Pope had urged an end to sanctions against Libya. She, too, felt that sanctions should be lifted since they hurt only the poorest of the poor.

54. Mr. de GOUTTES welcomed the resumption of dialogue with the Libyan Arab Jamahiriya. The second part of the report was somewhat disconcerting in that it affirmed that the phenomenon of racial discrimination did not exist in Libyan society because the citizens belonged to the same race, had the same religion and spoke the same language and the Koran and the Great Green Document had proclaimed equality for all and rejected discrimination; and that there were no complaints or rulings on cases of racial discrimination. That would make dialogue with the Committee difficult since the State Party assumed that it had nothing to report.

55. More information was needed on the non-Libyan population and who they were; their rights as foreigners; and the situation of the many immigrant workers in Libya.

56. What measures had the Government taken to publicize the Convention among citizens and the population at large and among law enforcement officials and bodies? Did the Government intend to make the report to the Committee and the Committee's concluding observations available to the public?

57. He invited the delegation to provide details and comments on reports by Amnesty International that 250 Palestinian refugees were still detained in an open-air prison camp in a remote region on the border between Egypt and Libya. Information should likewise be provided on the sporadic violent clashes between security forces and members of armed Islamic groups, particularly in the north-east of the country, and reports that hundreds of sympathizers with or militants belonging to prohibited Islamic groups had been arrested following the clashes. What was the situation of the many Sudanese and other African workers who had been arrested in 1997?

58. Mrs. ZOU Deci welcomed the renewed dialogue between the Libyan Arab Jamahiriya and the Committee. The report did not mention the situation of the Berber population living in Libyan territory who accounted for 4 per cent of the population of Libya and had its own culture, customs and language. If the Libyan Arab Jamahiriya did not see the Berbers as a minority, how did it see them? She asked for details of government policy toward the Berbers, whether they could retain their own language, since they were not Arabic-speakers, and whether their language was officially recognized. Similar information was needed on other minorities, such as the Haratin, Tebu and Tuareg minorities, which were not mentioned in the report.

59. She asked about the status of the Pakistani population in Libya and whether they were considered refugees.

60. Mr. NOBEL said that he was particularly concerned about the thinking that lay behind the statement in paragraph 14 of the report that the fact that the citizens of the Libyan Arab Jamahiriya belonged to the same race, professed the same religion and spoke the same Arabic language had "helped" to prevent the emergence of racial discrimination. First, it was doubtful whether any country could claim that its citizens all belonged to the same race. Second, and more importantly, the wording of the paragraph suggested that the homogeneous nature of the population was seen as a great blessing and that ethnic purity was to be welcomed. History had proved how dangerous that kind of thinking could be. Even if what was said in paragraph 14 was true, that did not preclude ethnic or racial tension in the future, a situation for which Governments should be prepared.

61. Mr. DIACONU said that data on the demographic and ethnic background of the population was needed. Were the non-Libyan members of the population citizens or immigrants and were they predominantly from Arab countries or elsewhere?

62. Data was also needed on implementation of article 5. For example, he asked whether non-Libyan people were in employment and, if so, what kind of jobs they did, whether their children were permitted to attend school and if so, what kinds of schools they attended.

63. There was no legislation prohibiting organizations and associations promoting racial superiority or incitement to racial discrimination, which was mandatory under article 4. Did the Jamahiriya intend to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, or ILO Convention No. 111, on discrimination (employment and occupation)?

64. He believed that the Committee should not work in parallel with other United Nations human rights treaty bodies except where there was discrimination on racial grounds. It should not deal with discrimination against women or children per se, but only with discrimination against women or children of different races, or between children and women of different races within a particular society. Similarly, the reports of Amnesty International should be taken into account only when they referred to discrimination within the meaning of the Convention.

65. Mr. QUATEEN (Libyan Arab Jamahiriya) said the Committee's questions showed there had been a misunderstanding about equality of sexes and racial equality in Libya. The concepts of racial purity and ethnic cleansing were indeed very dangerous, as history had shown. The Committee excusably had insufficient knowledge of the Arab region and its historical makeup. Muslims did not believe there was any race that was superior to, or purer than, another. The Koran stated that the noblest was he who was the most pious. Purity was based on conduct, whether by an individual or by a people, and not on race. It was, however, true that the Yemeni people were pure, as they had remained the same for more than 5,000 years. Naturalized Yemenis probably did not exceed several hundred at most.

66. Libya was a Muslim Arab society, historically speaking, and had been for over fourteen centuries. The purity of the Libyan race was not based on some idea of superiority but had to do with objective historical and political reasons. The European notion of society, in which each nation often represented a different race, did not apply to the Libyans, who were not an independent race but an integral part of Arab society. In the early twentieth century, the Arab countries as a whole had been under the authority of the Ottoman Empire, and had been a single political entity; subsequent nationalities and borders had appeared after the First World War, when the victorious colonial Powers had carved up the Ottoman territories, property and peoples. That was why he would be unable to distinguish between a Sudanese or an Egyptian and a Libyan unless he saw their passport, and certainly not on the basis of race, language or religion. Following independence, when the 20-odd Arab countries had come into being, the Arabs would all have liked to be united in one nation and one people, but that had so far not been possible for international and local political reasons.

67. The statement that there was no racial discrimination in the Libyan Arab Jamahiriya because the Libyan people all belonged to the same race and ethnic group was true from a historical viewpoint, inasmuch as the great majority of

Libyans were Arabic-speaking Sunni Arabs. The Yemenis, as well as the Arab tribes in Saudi Arabia, were considered to be the ancestors of the Arab race who had left the Arabian peninsula fourteen centuries earlier and spread throughout the other Arab countries.

68. With reference to the Berbers, there was no ethnic minority problem, because Berbers were Muslim, and Islam was based on absolute fraternity among all Muslims. The Berbers in his country constituted a minority only from the linguistic viewpoint. They spoke their own, very ancient, language, but ethnically they belonged to the Arab race. They were part of the group that had left Yemen for the north African region 2,000 years before the Islamic era, and were of very ancient Arab stock; their language was one of the languages of the Sahara region. They were not viewed as a minority that did not fit into the framework of Libyan society. The Berber question had been raised for the first time in North Africa in Morocco, under French colonial rule, with the enactment of the Berber decree, which had been an attempt to put order into the chaos of Moroccan society and had been based on the colonial approach of "divide and rule".

69. He himself had Berber friends and colleagues and never knew they were Berber unless they told him so; there was no reason for concern about Libyan society on that score. Berbers were Arabs, Libyan citizens and Muslims; they spoke Arabic, and there were no restrictions on marriages between Berbers and other Arabs. It was incorrect to use the term "Berbers" as distinct from "Arabs". Berbers married normally, were treated normally in school and led normal lives. The only possible difference was their language, which they used among themselves and was not a written language.

70. The Tuaregs, on the other hand, were Arab tribespeople living in the great Sahara desert. They had come from Egypt, through Libya, Tunisia, Algeria, Morocco and Mauritania. They had not possessed Arab nationality before the twentieth century but had roamed freely throughout the Sahara region of North Africa. They had their own traditions and were mainly traders and pastoralists. When those countries had achieved their independence in the mid-twentieth century, they had faced the problem of deciding which nationality to assign to the tribe, which did not want to settle down in any particular region. In order to define State borders, however, it was decided that each group would receive the nationality of one of the States, although they would retain their freedom of movement and the right to engage in trade and animal husbandry. They did not have a different ethnic status from the other inhabitants of the region. Libya therefore had no Tuareg problem; on the contrary, there were certain privileges extended to them on account of their living conditions, and they were free to engage in their traditional occupations.

71. There were blacks living in the Jamahiriya - Egyptians and Sudanese. As to foreigners, they fell into two categories: those who came to the country with work contracts and entry visas, who arrived at official border crossings and who were subject to the applicable legal procedures, particularly with regard to health requirements; and those who entered illegally from neighbouring countries, along the land border with six countries, which stretched over thousands of kilometres; the Committee could judge the extent of the illegal labour migration. There was no

international human rights law that granted such people the right to stay or reside in Libyan territory, particularly as the individuals were often both unskilled and undesirable. They might be suffering from undetected diseases and, given their large numbers and difficulties in finding jobs, there had been an increase in crime, which had led the Government to try to put an end to the phenomenon. The Government understood the humanitarian situation of many of the illegal workers and tried to give them an opportunity to find employment, but if they could not do so, it was better to send them back to their countries of origin, which was a just and humanitarian approach.

The meeting rose at 6.05 p.m.